

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19472 of 2019

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Santosh Paswan Son of Late Bechan Paswan Resident of Village and P.O.-
Nauhatta, Ward No.14, P.S.- Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Government of Bihar, Patna.
2. The District Magistrate, District- Saharsa.
3. The Superintendent of Police, Saharsa.
4. The Circle Officer, Nauhatta Block, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Adv.
For the Respondent/s	:	Mr. Sheo Shankar Prasad (SC8)
		Ms. Ruchikar Jha, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

12 24-08-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. The writ petitioner, is before this Court, aggrieved
by rejection of his claim for compassionate appointment. The
District Compassionate Committee, Saharsa (for brevity the
Committee') in its meeting dated 11-06-2019, as contained in
Annexure-5 to the writ petition, has rejected the petitioner's
claim by assigning a reason that he does not have the requisite
educational qualification (Matric pass). The committee has
placed reliance on letter dated 16.01.2015 (Annexure-A to the
counter affidavit on behalf of the Respondent Nos 02 and 04),
issued by the Home (Police) Department and General



Administration Department notification dated 26-12-2013 (Annexure- B to the counter affidavit on behalf of the Respondent Nos 02 and 04).

3. It is submitted by the petitioner's counsel that death of his father, while working as '*chowkidar*' occurred on 20-04-2012. His mother had applied for petitioner's compassionate appointment on 17-01-2014. The said facts are not in dispute.

4. Insofar as the requirement of being a 'Matriculate' for the purposes of compassionate appointment, it is submitted that letter of the Home (Police) Department dated 16-01-2015, clearly lays down that in case of applications made prior to 05-03-2014, the minimum requisite educational qualification will be considered as '8th pass'. The petitioner was possessing this requisite minimum qualification applicable on the date his claim for compassionate appointment was submitted by his mother i.e., on 17-01-2014. It is also an admitted fact that his mother had applied for petitioner's compassionate appointment on 17-01-2014.

5. The learned State counsel, however, submits that the minimum requisite educational qualification has been amended to 'Matriculate' for the claimants of compassionate



appointment. The petitioner is not fulfilling the minimum requisite qualification and is, therefore, ineligible for consideration and his claim has rightly been rejected by the Committee.

6. On consideration of the rival submissions, this Court would find that the letter dated 16.01.2015 of the Home (Police) Department is not in dispute. Its contents also are not in dispute, as the same has been annexed as Annexure- A to the counter affidavit filed by the respondent Nos. 2 and 4. It clearly lays down that in case of application submitted prior to 05.03.2014, the minimum requisite educational qualification is to be considered as '8th pass'. The application for petitioner's compassionate appointment made by his mother is of 17.01.2014, prior to the cut-off date. The petitioner's claim for compassionate appointment, therefore, is required to be considered treating the minimum requisite qualification as '8th pass' and not 'Matriculate'. The consideration of the Committee, in its meeting dated 11.06.2019 (Annexure-5), therefore, is not sustainable, insofar as the instant petitioner is concerned, since the petitioner's claim for compassionate appointment has been considered keeping 'Matriculate' as the minimum requisite qualification, instead of '8th pass'. The minutes/decision of the



Committee dated 11.06.2019, as contained in Annexure-5 to the writ petition, insofar as the petitioner is concerned, is, therefore, quashed. The matter is remanded to be considered by the District Compassionate Committee headed by the District Magistrate.

7. The District Magistrate, District- Saharsa (Respondent No.2) should take all necessary steps to expedite consideration without insisting on minimum requisite qualification as 'Matriculate' for the petitioner's application.

8. Let a final decision be taken within a period of 08 (eight) week from the date of receipt/production of a copy of this order.

9. The writ application is allowed.

(Madhuresh Prasad, J)

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